THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21113 OF 2006

DATED 18th OCTOBER, 2006

BETWEEN

Hithendra Desai

… Petitioner

and

The Special Grade Deputy Collector & Revenue Divisional Officer, east Division, Ranga Reddy District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21113 OF 2006

ORDER:

The petitioner herein purchased the land admeasuring Acs.24.00 in survey Nos.2, 23 and 585/54 situated at Rachloor village of Kandukoor Mandal in Ranga Reddy District from respondents 2, 3 and 4 under registered sale deed. It appears second respondent made a representation to the Mandal Revenue Officer (MRO) claiming one-third share in the property. A report thereon was submitted by the MRO to the first respondent, namely, Special Grade Deputy Collector & Revenue Divisional Officer, East Division, Ranga Reddy District. Based on the said report, first respondent issued notice, dated 06.04.2006 to the petitioner as well as respondents 2 to 4 advised them to appear before him on 18.04.2006 for the enquiry. Though the notice was issued way back on 06.04.2006, the petitioner filed the instant writ petition now questioning the legality, validity and jurisdiction of the first respondent contending that if enquiry is to be conducted, the preliminary authority is MRO, and therefore, such enquiry cannot be conducted by the RDO under the provisions of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity).

Learned counsel for the petitioner reiterated the contentions while arguing for Admission and interim orders. The learned Assistant Government Pleader for Revenue opposed the writ petition on the ground that the writ petition against notice is not maintainable.

It has been repeatedly held by the Supreme Court as well as this Court that against a mere notice of enquiry or a show cause notice, writ petition would not lie. Even when such notice is emanated from the authorities, who *ex facie* lacks jurisdiction, the aggrieved person can raise all objections before such authority. Judicial review at the stage of notice is not available. Further though the notice is dated 06.04.2006, the petitioner waited about six months and filed the writ petition now. Therefore, the petitioner is given liberty to file appropriate application/representation, if not already filed, raising all objections. The first respondent shall then decide the question of jurisdiction as a preliminary issue before further proceeding with the

enquiry and pass orders within a period of four weeks from the date of receipt of copy of this order.

The writ petition, with the above observation, is disposed of. No costs.

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(V.V.S.RAO,J)

18.10.2006.
pln

Note: Issue CC by 23.10.2006.
(By order)
pln